

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
V.)CASE NO: 2:07-cr-104-WKW-SRW
)
NORMAN EVANS MCELROY, JR.)

UNOPPOSED MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, by and through the undersigned counsel and pursuant to 18 U.S.C. § 3161 (h), and respectfully moves this Court to move this matter from the November 5, 2007 trial docket.

In support of this Motion, defendant would show

1. The indictment accuses Mr. McElroy of possession of child pornography. Mr. McElroy is detained. On information and belief, Mr. McElroy has no felony convictions.
2. The government has recently received forensic analyses of two computers. These analyses are not presently available to defense counsel in hard copy, due to their size (estimated by the government agent to be in excess of 10,000 pages, if printed) and the inclusion of child pornography images within the reports. Defense counsel and government counsel have arranged for the defense expert to attempt to review these matters at the FBI office. Due to schedules of the persons involved, such review has been tentatively set for October 19, 2007, but it is anticipated that the review will not be completed on that date and will not be completed in time to determine whether this matter may be resolved without trial.
3. Counsel for the prosecution does not oppose this motion.

WHEREFORE, defendant respectfully requests that this Motion be granted.

Respectfully submitted,

s/Christine A. Freeman
CHRISTINE A. FREEMAN
TN BAR NO.: 11892
Attorney for Norman McElroy
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 407
Montgomery, AL 36104
TEL: (334) 834-2099
FAX: (334) 834-0353
E-Mail: Christine_Freeman@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Christopher Snyder, Esq., Assistant United States Attorney, One Court Square, Montgomery, AL 36104.

s/Christine A. Freeman
CHRISTINE A. FREEMAN
TN BAR NO.: 11892
Attorney for Christopher Snyder
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 407
Montgomery, AL 36104
TEL: (334) 834-2099
FAX: (334) 834-0353